



CITY OF WHITEWATER PLAN AND ARCHITECTURAL REVIEW
COMMISSION

Agenda

January 9, 2012

City of Whitewater Municipal Building
312 W. Whitewater St., Whitewater, Wisconsin
6:00 p.m.

1.	Call to order and Roll Call.
2.	Election of Plan Commission Chairperson
3.	Hearing of Citizen Comments. No formal Plan Commission Action will be taken during this meeting, although issues raised may become a part of a future agenda. Specific items listed on the agenda may not be discussed at this time; however citizens are invited to speak to those specific issues at the time the Plan Commission discusses that particular item.
4.	Approval of the Plan Commission minutes of: December 12, 2011.
5.	Hold a public hearing for consideration of a Conditional Use Permit for a "Class B" Beer and Liquor License for Alejandro R. Meza, to serve beer and liquor by the bottle or glass at 1155 W. Main Street, Whitewater Wisconsin.
6.	Information Items: a. Update on the Generac addition. b. Update on the status of the Zoning Rewrite. c. Possible future agenda items. d. Next regular Plan Commission Meeting – February 13 th , 2012
7.	Adjournment.

Anyone requiring special arrangements is asked to call the Zoning and Planning Office 24 hours prior to the meeting. Those wishing to weigh in on any of the above-mentioned agenda items but unable to attend the meeting are asked to send their comments to c/o Neighborhood Services Manager, 312 W. Whitewater Street, Whitewater, WI, 53190 or jwegner@whitewater-wi.gov.

The City of Whitewater website is: whitewater-wi.gov

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
December 12, 2011

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

Call to order and roll call.

Vice-Chairperson Binnie called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

Present: Meyer, Binnie, Dalee, Parker, Coburn, Miller, Henry (Alternate).

Absent: None.

Others: Wallace McDonell (City Attorney), Latisha Birkeland (Neighborhood Services Manager/City Planner).

Hearing of Citizen Comments. No formal Plan Commission action will be taken during this meeting ON CITIZEN COMMENTS although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.

There were no citizen comments.

Approval of the minutes of November 14, 2011.

Moved by Parker and seconded by Coburn to approve the Plan Commission minutes of November 14, 2011. Motion approved by unanimous voice vote.

Review proposed 34 foot by 31 foot open steel roof structure addition to the existing outdoor covered test area to provide a weather covering over generators being tested (running) at 757 N. Newcomb Street for Generac Power Systems, Inc. Neighborhood Services Manager/City Planner Latisha Birkeland explained that the site plan proposes an addition of 34 feet by 31 feet next to the current test facilities on the south side of the building. The current facilities were approved in 2001. The new fencing will match the existing fencing which is opaque to shield the area from view. Latisha Birkeland received a comment from one neighboring property owner to the west stating that the noise is quite loud and that he would like to see a wall or berm added on the west side to dampen the sound from the generators being tested. Latisha stated that the wall lights on the building will not be seen from the street; and there would be one additional light over the exit.

Plan Commission Member Coburn asked about the tone of the noise and how often do they run the generators. Coburn stated that when she viewed the site, she did not hear anything. She would still like to see a buffer installed. If the sound is a constant sound, it can be invasive.

Tim Hearnden, from Generac Power Systems, stated that the opaque slats are consistent with the existing for the noise and proprietary requirement. Hearnden stated that they test generators

around the clock. There would be no excess noise with the new addition. They are willing to put up sound absorbing material on the west end (not a permanent wall).

Plan Commission Member Bruce Parker asked to have the times clarified that the generators are run. He noted that there were cabinets on the west side of the existing structure.

Tim Hearnden explained that the generators are tested around the clock, seven days a week. There are no walls on the structures because the generators need to have air flow in order to run and are also exposed to the weather. The existing outdoor covered test area holds 16 generators currently. The new addition would allow for 10 more generators.

Vice Chairperson Binnie stated that when he drove by the noise was pretty loud. If the windows of the neighboring residences were open during the summer, it would be a stressor to hear this noise continuously in the background.

Coburn asked if the noise should be tested now. She would like to see what the noise level is at this point.

Parker explained that the best thing to do would be to take a noise meter decibel reading at the lot line. The muffler exhaust stacks on the generators are DNR approved. Parker suggested that the metal decks (roof structure) give off noise also.

Kenneth Stock, from Heartland Group LLC., explained that any absorption would help. It would not matter how many generators were there, the noise level would have the same frequency and loudness.

Neighborhood Services Manager/City Planner Birkeland explained that a sound decibel in a wind speed of 10 mph would be invalidated.

Vice Chairperson Binnie stated that the noise would be an annoyance. The neighbor stated that his guests wonder what the noise is. If a concrete wall was put up, it might help to divert the sound elsewhere.

Plan Commission Member Meyer explained that a sound deadening material would be better than a concrete wall.

Vice-Chairperson Binnie suggested that the applicant bring information on the noise level and the sound deadening material to Latisha for staff approval. If, after that, there are still concerns, it could come back to the Plan Commission.

Kenneth Stock stated that he would have his consultant take a look at the engineering to see how much sound will be diminished by the materials and will submit the calculations/report to Latisha.

Tim Hearden stated that they will take a look at the sound, taking a reading on the west lot line and compare with decibel reductions to when they put sound absorbing materials on the west wall.

City Planner Latisha Birkeland recommended the following conditions of approval with respect to the proposed site plan in her report dated December 5, 2011.

1. All development shall be according to the submitted plans (which shall become part of the record) except changes to plans shall be indicated below.
2. The proposed chain link fence surrounding the LP tank area and the new testing area shall match the current fence and shall be outfitted with opaque inserts (slats) to block visibility of this area.

Move by Coburn and Meyer to approve the application conditioned upon Latisha Birkeland (Neighborhood Services Manager/City Planner) approving a sound deadening plan; and the conditions included in the City Planner's report dated December 5, 2011. Motion approved by unanimous roll call vote.

Update on status of the Zoning Rewrite.

Latisha Birkeland explained that last Wednesday was their second meeting. They distributed summaries from the Stakeholder interviews which were prioritized by major or minor priorities and technical issues. They discussed many items which included: number of unrelated, parking on site, the rental registration map, potential district changes and zoning changes. Their next meeting is planned for February.

Plan Commission Member Meyer, who is also a Zoning Rewrite Committee Member, suggested that the Plan Commission members receive all the information from these meetings. Meyer felt that the next meeting would get into more details.

Latisha Birkeland was going to send out the Zoning Rewrite information to the Plan Commission on Tuesday, December 13th.

Future agenda items

Neighborhood Services Manager/City Planner Birkeland stated that there may be a certified survey map for the technology park, a conceptual review for a possible development of the Mound Meadows Subdivision by a new developer. The proposed development would be similar to the duplex development that was previously proposed. And a conditional use permit request for the expansion of use, adding equipment to the kitchen and a bar for the "Greenhouse Café" (formerly "Sugar Bay").

Vice-Chairperson Binnie requested that the Plan Commission have an election of a new Chairperson at the next meeting. Greg Torres, the former Chairperson, resigned from the Plan Commission in November.

Next regular Plan Commission meeting- January 9, 2012.

Moved by Parker and seconded by Coburn to adjourn at approximately 6:40 p.m. Motion was approved by unanimous voice vote.

Vice-Chairperson Lynn Binnie

DRAFT



Neighborhood Services Department
 312 W. Whitewater Street
 P.O. Box 178
 Whitewater, Wisconsin
 53190

www.whitewater-wi.gov
 Telephone: (262) 473-0540

To: City of Whitewater Plan and Architectural Review Commission
 From: Latisha Birkeland, Neighborhood Services Manager / City Planner
 Date: January 4th, 2012
 Re: Requested conditional use permit for a Class "B" Beer and Liquor License, to serve beer and liquor by the bottle or glass located at 1155 Main Street West, the old "Greenhouse Café."

Summary of Request

Requested Approvals: The applicant, Alejandro Meza, is requesting a conditional use permit (CUP) for a Class "B" Beer and Liquor License, to serve beer and liquor by the bottle or glass.

Location: 1155 Main Street West

Current Land Use: Restaurant with retail floral and gifts with sale of beer and liquor by the glass or bottle

Proposed Use: Restaurant without a drive-through facility to sell alcoholic beverages by the drink.

Current Zoning: B-1 Community Business

Proposed Zoning: (no change proposed)

Comprehensive Plan's Future Land Use Designation: Community Business

Surrounding Zoning and Land Use: North, East and West: B-1, Community Business. South: R-3, Multi-Family Residential.

Brief History of Project: Sugar Bay Floral and Gifts applied for a Class "B" Beer and Liquor License in 2003. The applicant applied to allow bottles of wine, champagne and specialty beer to be added to gourmet gift baskets. This motion was denied.

This property expanded into a café in 2004 and the applied for a conditional use permit to "offer wine, beer, and small amounts of liquor, with the majority being served with meals." A conditional use permit was approved in 2004 for a Class "B" Beer and Liquor License to serve beer and liquor by the bottle or glass for the Greenhouse Café.

Description of Use

Mr. Meza is changing the current Greenhouse Café to a restaurant/sports bar called Cube Sport Bar and Grill. Restaurants are permitted-by-right in the B-1 Community Business District and would not need a Plan Commission approval because this restaurant would not have a drive-through facility. Mr. Meza is

seeking approval for a conditional use permit (CUP) to allow this restaurant to serve alcoholic beverages by the drink, also known as a Class "B" Beer and Liquor License.

Mr. Meza has been in the restaurant industry for over 9 years. He currently operates three "El Patron" Mexican restaurants. The locations include:

1. Edgerton – 6 months
2. Sun Prairie – Over 1 year
3. Fort Atkinson – 2 + years

The proposed restaurant/sports bar will change the interior layout as indicated in the attached plans. A bar will be placed where the counter was located on the main floor. The downstairs will be finished with drywall and paint and the space will have a pool table and dart boards available. Any changes would need to be approved by the City Building Inspector.

The kitchen square footage will remain the same, however new equipment will be brought in for the new menu. The menu items will include chicken wings, sandwiches, pizza, onion rings, fried shrimp and salads.

Hours

The applicant has stated that the restaurant will open at 12 p.m. and be in compliance with the Wisconsin state statute below regarding closing times.

The City Code states that the hours of a retail class "B" license shall be in conformity with state statute 125.32(3)(a) through 125.32(3)(c):

- (a) No premises for which a Class "B" license or permit is issued may remain open between the hours of 2 a.m. and 6 a.m., except as provided in this paragraph and par. (c). On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6 a.m. except that, on the Sunday that daylight saving time begins as specified in s. 175.095 (2), the closing hours shall be between 3:30 a.m. and 6 a.m. On January 1 premises operating under a Class "B" license or permit are not required to close.
- (b) Between 12 midnight and 6 a.m. no person may sell fermented malt beverages on Class "B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises.

Parking

Restaurants, bars and places of entertainment are required to have 1 stall for each 200 square feet of primary floor area. The square footage of primary floor area for this restaurant is 3,024 square feet. When calculating primary floor area measurement shall be taken to include only service, sales and office space, and shall not include warehouse, utility and other accessory space which do not generate parking demand (19.51.170).

The property currently has 10 parking stalls. A total of 15 parking stalls are required to meet the City Code requirements. This was calculated by $(3,024 / 200 = 15.12 \text{ or } 15)$. With the expansion of the parking lot, the Plan Commission may want to require a fence to be installed to shield the parking lot view from the Brookdale Manor and Blackhawk Apartments.

Ingress / Egress

There are two driveway entrances on the site that provide access to the parking lot behind the structure. These driveways are marked with faded arrows on the pavement to indicate traffic flow. The West driveway is the entrance to the parking area and the East driveway is the exit.

I suggest directional signage to be placed in the front yard of the property to help direct traffic on how to get to the parking lot off of Main Street. Signage on the south side of the building could be installed to

indicate the correct flow of traffic to patrons. I also suggest repainting the directional arrows on the pavement.

The Comprehensive Plan supports the idea of controlling access points by limiting the number onto major corridors like Main Street to help avoid future congestion and traffic safety problems.

Staffing and Occupancy

As stated by the applicant there will be four (4) employees for this business. This may increase in the future. The maximum number of occupants the space can accommodate is 125. This will be verified and determined by the State building codes and the City Building Inspector.

Recommendation on Conditional Use Permit

Pending comments received at the public hearing, I recommend the Plan and Architectural Review Commission approve the conditional use permit for Cube Sport Bar and Grill, subject to the following conditions:

1. The conditional use permit shall run with the applicant and not the land. If the business is sold, the new owner/operator must return to the Plan Commission.
2. Plans drawn by a State Licensed Architect must be submitted to the Building Inspection Department per all State and Local requirements. These plans should indicate the new occupant load for the new use of the interior floor area. All plans requiring State Plan Approval must be completed and approved by the State prior to issuance of local building/mechanical permits.
3. Allow two directional signs in accordance with the City's sign code to be placed in the front yard to direct traffic. Allow one direction "Exit Only" sign on the wall of the building to indicate traffic flow. Require repainting of the directional arrows on the pavement.
4. There must be 15 parking stalls located on the property for Cube Sport Bar. This may change if the primary floor area used is increased or decreased.
5. Fencing to be installed in the rear yard to shield the additional parking from the neighbors.

If the application is approved, the applicant will need to apply for the license with the Alcohol and Licensing Committee and the Common Council for final approval. After the final approvals, the Police Department will perform a background check.

Analysis of Proposed Project

Standard	Evaluation	Comments
Conditional Use Permit Standards (see section 19.66.050 of zoning ordinance)		
The establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of other property.	Possibly	The proposed hours of this restaurant will be in compliance with the State of Wisconsin. This sports bar will be open later than the prior Greenhouse Café.. There is a mix of businesses in the area that helps keep this area vibrant. This change could potentially increase traffic.
Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	No	Staff report includes a recommendation for ingress, egress and parking requirements.
The conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance [or through a variance].	Met	Project meets all zoning ordinance requirements applicable under the B-1 district.
The conditional use conforms to the purpose and intent of the city master [comprehensive] plan.	Met	The Comprehensive Plan identifies the site as appropriate for "Community Business" uses. This would include restaurants/bars.
The conditional use and structures are consistent with sound planning and zoning principles.	Met	Project is consistent with the purpose, character and intent of the central business future land use classification and zoning district.

Public comments regarding the Public Hearing for the CUP for a "Class B" Beer and Liquor License of 1155 W. Main Street:

12/30/2011

Comment from Jim McCullough on behalf of McCullough's Pharmacy located at 1173 West Main Street. Mr. McCullough was concerned that the parking was not adequate enough on the site. He stated that cars will park on the pharmacy property and not park in the back of 1155 West Main Street.

1/3/2012

Comments from Bob McCullough included concerns that patrons of the café would park in the easterly parking stalls of the Robin's Nest and McCullough's Pharmacy. There is currently an agreement about parking between the Robin's Nest and McCullough's Pharmacy. Mr. McCullough was concerned about entering and exiting of traffic around typical happy hour times (4pm-6pm) as this is a very busy time for retail in the area. The additional traffic may cause issues.

I was unable to show Mr. Bob McCullough the proposed plans for the space, because the City had not received them the morning of 1/3/12. The City received updated plans from Mr. Meza at 3:30 p.m. on 1/3/12. I did follow up with Mr. Bob McCullough on 1/4/12.



Neighborhood Services -
Code Enforcement & Zoning
312 W. Whitewater Street
P.O. Box 178
Whitewater, Wisconsin
53190

www.whitewater-wi.gov
Telephone: (262)473-0540

NOTICE OF PUBLIC HEARING

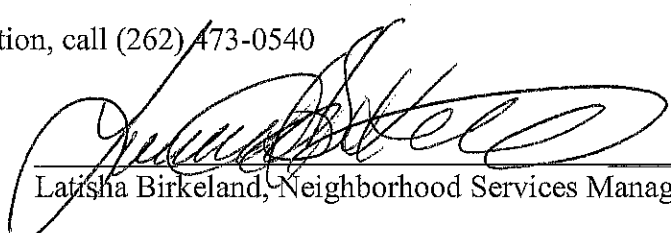
TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street, Whitewater, Wisconsin, on the 9th day of January 2012 at 6:00 p.m. to hold a public hearing for consideration of a Conditional Use Permit for a "Class B" Beer and Liquor License for Alejandro R. Meza, to serve beer and liquor by the bottle or glass at 1155 W. Main Street, Whitewater Wisconsin.

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540


Latisha Birkeland, Neighborhood Services Manager/City Planner

/A 1400002, /A 67400002, /RC 00008
DLK ENTERPRISES INC
141 W. WHITEWATER ST
PO BOX 239
WHITEWATER WI 53190

/L 00008
BARBARA A CONGDON
8-427 E. SHERMAN AVE
FT ATKINSON WI 53538

/L 00012, /L00013
JR RENTALS LLC
694 WELLS ST
LAKE GENEVA WI 53147

/RC 00010
DMS INVESTMENTS CORP
N6615 ANDERSON RD
DELAVAN WI 53115

/WUP 00164E
FOUR GUYS, LLP
120 N. FRATERNITY LN
WHITEWATER WI 53190

/WUP 00197
HARRIET J STRITZEL TRUST
530 SOUTH JANESVILLE AVE
WHITEWATER WI 53190

/WUP 00197E
BRUCE J KINATEDER
151 S. ELIZABETH ST
WHITEWATER WI 53190

/L 00002
WHITEWATER PLAZA, LLC
262 LEGEND HTS
WALES WI 53183

/L 00010
MCCULLOUGH FAMILY LTD PART
694 WELLS ST
LAKE GENEVA WI 53147

/RC 00009A
MIKE AND VIRG DARRAH LLC
1208 S. WILLARD
JANESVILLE WI 53546-5392

/WUP 00163A
CA POPE PROPERTIES LLC
P. O. BOX 2473
JANESVILLE WI 53547

/WUP 00194
DON L WARGOWSKY
JOANN WARGOWSKY
1130 W. HIGHLAND ST
WHITEWATER WI 53190

/WUP 00197B
AJET DAUTI
EDITA D DAUTI
1168 W. HIGHLAND ST
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ALEJANDRO R MEZA
332 SHANE CT. #3
SUN PRAIRIE WI 53890

/L 00007
MBCK, LLC
1155 W MAIN ST
WHITEWATER WI 53190

/L 00011
MICHAEL W ERDMANN
PO BOX 589
WHITEWATER WI 53190

/RC 00009B
WISH ENTERPRISES, LLC
1138 W. MAIN ST
WHITEWATER WI 53190

/WUP 00164D
REYNOLDS RENTALS, LLC
12340 E BRADLEY RD
WHITEWATER WI 53190

/WUP 00195
DONALD ZAHN
LOUELLA J ZAHN
1140 W. HIGHLAND ST
WHITEWATER WI 53190

/WUP 00197D, /WUP 00197G
LAND & WATER INVESTMENTS
LLC
503 CENTER ST
LAKE GENEVA WI 53147

NOTICE: The Plan Commission meetings are scheduled on the 2nd Monday of the month. All complete plans must be in by 9:00 a.m. four weeks prior to the meeting. If not, the item will be placed on the next available Plan Commission meeting.

CITY OF WHITEWATER
CONDITIONAL USE PERMIT APPLICATION PROCEDURE

1. File the application with the Code Enforcement Director's Office at least four weeks prior to the meeting. \$100.00 fee. Filed on 12/12/11 DH.
2. Class 1 Notice published in Official Newspaper on 12-29-11.
3. Notices of the Public Hearing mailed to property owners on 12-22-11.
4. Plan Commission holds the PUBLIC HEARING on 1-9-12. They will hear comments of the Petitioner and comments of property owners. Comments may be made in person or in writing.
5. At the conclusion of the Public Hearing, the Plan Commission makes a decision.

PLEASE COMPLETE THE FOLLOWING APPLICATION.

Refer to Chapter 19.66 of the City of Whitewater Municipal Code of Ordinances, entitled CONDITIONAL USES, for more information on the application.

Twenty complete sets of all plans should be submitted. All plans should be drawn to a scale of not less than 50 feet to the inch; represent actual existing and proposed site conditions in detail; and indicate the name, address, and phone number of the applicant, land owner, architect, engineer, landscape designer, contractor, or others responsible for preparation. It is often possible and desirable to include two or more of the above 8 plans on one map. The Zoning Administrator or Plan and Architectural Review Commission may request more information, or may reduce the submittal requirements. If any of the above 10 plans is not submitted, the applicant should provide a written explanation of why it is not submitted.

SITE PLAN SUBMITTAL REQUIREMENTS

This checklist must be completed before making application for a City of Whitewater Zoning/Building Permit. If not complete, the application will be returned to the owner and will not proceed until all information and forms are complete.

Drawings must be legible and drawn to scale not less than 1/4" per foot unless noted.

Address of Project 1155 W Main St., Whitewater WI, 53190
Zoning of Property B-1

1. **Site Plan**, including the location and dimensions of all buildings, parking, loading, vehicle and pedestrian circulation, signs, walls, fences, other structures, outdoor storage areas, mechanicals, and dumpsters. Adjacent streets and uses and methods for screening parking, loading, storage, mechanical, and dumpster areas should be shown. Statistics on lot area, green space percentage, and housing density should be provided. The Plan Commission encourages compliance with its adopted parking lot curbing policy.
2. **Natural Features Inventory Map**, showing the existing limits of all water bodies, wetlands, floodplains, existing trees with trunks more than 4 inches in diameter, and any other exceptional natural resource features on all or part of the site.
3. **Landscape Plan**, prepared by a professional, and showing an overhead view of all proposed landscaping and existing landscaping to remain. The species, size at time of planting, and mature size should be indicated for all plantings. Areas to be left in green space should be clearly delineated. The Plan Commission encourages compliance with its adopted landscaping guidelines, available from the Zoning Department.
4. **Grading and drainage plan**, meeting the City's stormwater management ordinance if required. The plan should show existing and proposed surface elevations on the site at two foot intervals or less, and proposed stormwater management improvements, such as detention/retention facilities where required. Stormwater calculations may be required.
5. **Utilities plan**, showing locations and sizes of existing and proposed connections to sanitary sewer, water, and storm sewer lines, along with required easements. Sampling manholes may be required for sanitary sewer. The City's noise ordinance must be met.
6. **Building elevations**, showing the dimensions, colors, and materials used on all sides of the building. The Plan Commission encourages variety and creativity in building colors and architectural styles, while respecting the character of the surrounding neighborhood.
7. **Sign plan**, meeting the City's sign ordinance, and showing the location, height, dimensions, color, materials, lighting and copy area of all signage.
8. **Lighting plan**, meeting the City's lighting ordinance, and showing the location, height, type, orientation, and power of all proposed outdoor lighting—both on poles and on buildings. Cut sheets and photometric plans may be required for larger projects.

9. **Floor plan** which shows:

- A. The size and locations of:
- 1) Rooms;
 - 2) Doors;
 - 3) Windows;
 - 4) Structural features - size, height and thickness of wood, concrete and/or masonry construction;
 - 5) Exit passageways (hallways) and stairs (including all stair dimensions - riser height, tread width, stair width, headroom and handrail heights);
 - 6) Plumbing fixtures (bathroom, kitchen, etc.) - lavatory, water closet, water heater, softener, etc.;
 - 7) Chimney(s) - include also the type of construction (masonry or factory built);
 - 8) Heating equipment;
 - 9) Cooling equipment (central air conditioning, if provided);
 - 10) Attic and crawl space access; and
 - 11) Fire separation between dwelling and garage.
 - 12) Electrical service entrance/transformer location.

10. **Elevation drawings** which show:

- A. Information on exterior appearance (wood, stone, brick, block, colors);
- B. Indicate the location, size and configuration of doors, windows, roof chimneys and exterior grade level.
- C. Indicate color of Trim_____, Siding_____, Roofing_____.
- D. Electrical service entrance/transformer location.

11. **Type of Project:**

- A. Single family;
- B. Duplex;
- C. Multifamily # units_____;
- Condominium # units_____;
- Sorority # units_____;
- Fraternity # units_____;
- D. Office/Store;
- E. Industrial;
- F. Parking lot # of stalls_____;
- G. Other;

City of Whitewater
Application for Conditional Use Permit

IDENTIFICATION AND INFORMATION ON APPLICANT(S):

Applicant's Name: Alejandro B. Meza
Applicant's Address: 832 Shane Ct # 3, Sun Prairie WI 53890
Phone # 937-708-6407
Email Address: alejandro.meza @ Y9100 . com

Owner of Site, according to current property tax records (as of the date of the application):

Street address of property: 1155 W Main St, Whitewater WI, 53190

Legal Description (Name of Subdivision, Block and Lot or other Legal Description):

Lot 7 of Block 1 of Lawndale Subdivision, located in the Southwest 1/4 of Section 5, Town 4 North Range 13 East, City of Whitewater, Walworth County, Wisconsin

Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)

Name of Individual: Nick Fiedler - 608-436-1249

Name of Firm:

Office Address:

Phone:

Name of Contractor:

Has either the applicant or the owner had any variances issued to them, on any property? YES NO
If YES, please indicate the type of variance issued and indicate whether conditions have been complied with.

EXISTING AND PROPOSED USES:

Principal Use: Retail Food establishment with a Class B retail liquor and beer license. Current Land Use:

Accessory or Secondary Uses:

In main area,

Proposed Use (Describe need for conditional use):

Build a bar, fishing off the downstairs by drywalling, painting and expand the use of the kitchen to include new equipment. NF Room

No. of occupants proposed to be accommodated: 4

No. of employees: 4

Zoning District in which property is located: Whitewater, Walworth County, Wisconsin

Section of City Zoning Ordinance that identifies the proposed land use as a Conditional Use in the Zoning District in which the property is located:

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building official may require.

PLOT PLAN

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

STANDARDS

STANDARD	APPLICANT'S EXPLANATION
A. That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduces value of other property.	Work will be conducted starting around 8-9 AM and finishing no later than 10 PM.
B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	N/A
C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance.	
D. That the conditional use conforms to the purpose and intent of the City Master Plan.	

CONDITIONS

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved conditional uses. Conditions can deal with the points listed below. Be aware that there may be discussion at the Plan Commission in regard to placement of such conditions upon your property. You may wish to supply pertinent information.

"Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan and Architectural Review Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

"Conditional Uses" may be subject to time limits or requirements for periodic reviews where such requirements relate to review standards.

Alexander R. Myers
Applicant's Signature

12-15-11
Date

APPLICATION FEES:

Fee for Conditional Use Application: \$100

Date Application Fee Received by City 12-12-11 Receipt No. 6.009564

Received by D.H.

TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties: 12-22-11

Date set for public hearing before Plan & Architectural Review Board: 1-9-12

ACTION TAKEN:

Conditional Use Permit: _____ Granted _____ Not Granted by Plan & Architectural Review Commission.

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairman

Date



Tips for Minimizing Your Development Review Costs: A Guide for Applicants

The City of Whitewater assigns its consultant costs associated with reviewing development proposals to the applicant requesting development approval. These costs can vary based on a number of factors. Many of these factors can at least be partially controlled by the applicant for development review. The City recognizes that we are in a time when the need to control costs is at the forefront of everyone's minds. The following guide is intended to assist applicants for City development approvals understand what they can do to manage and minimize the costs associated with review of their applications. The tips included in this guide will almost always result in a less costly and quicker review of an application.

Meet with Neighborhoods Services Department before submitting an application

If you are planning on submitting an application for development review, one of the first things you should do is have a discussion with the City's Neighborhood Services Department. This can be accomplished either by dropping by the Neighborhood Services Department counter at City Hall, or by making an appointment with the Neighborhood Services Director. Before you make significant investments in your project, the Department can help you understand the feasibility of your proposal, what City plans and ordinances will apply, what type of review process will be required, and how to prepare a complete application.

Submit a complete and thorough application

One of the most important things you can do to make your review process less costly to you is to submit a complete, thorough, and well-organized application in accordance with City ordinance requirements. The City has checklists to help you make sure your application is complete. To help you prepare an application that has the right level of detail and information, assume that the people reviewing the application have never seen your property before, have no prior understanding of what you are proposing, and don't necessarily understand the reasons for your request.

For more complex or technical types of projects, strongly consider working with an experienced professional to help prepare your plans

Experienced professional engineers, land planners, architects, surveyors and landscape architects should be quite familiar with standard development review processes and expectations. They are also generally capable of preparing high-quality plans that will ultimately require less time (i.e., less cost for you) for the City's planning and engineering consultants to review, saving you money in the long run. Any project that includes significant site grading, stormwater management, or utility work; significant landscaping; or significant building remodeling or expansion generally requires professionals in the associated fields to help out.

For simpler projects, submit thorough, legible, and accurate plans

For less complicated proposals, it is certainly acceptable to prepare plans yourself rather than paying to have them prepared by a professional. However, keep in mind that even though the project may be less complex, the City's staff and planning consultant still need to ensure that your proposal meets all City



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requirements. Therefore, such plans must be prepared with care. Regardless of the complexity, all site, building, and floor plans should:

1. Be drawn to a recognized scale and indicate what the scale is (e.g., 1 inch = 40 feet).
2. Include titles and dates on all submitted documents in case pieces of your application get separated.
3. Include clear and legible labels that identify streets, existing and proposed buildings, parking areas, and other site improvements.
4. Indicate what the property and improvements look like today versus what is being proposed for the future.
5. Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent project features.
6. Indicate the colors and materials of all existing and proposed site/building improvements. Including color photos with your application is one inexpensive and accurate way to show the current condition of the site. Color catalog pages or paint chips can be included to show the appearance of proposed signs, light fixtures, fences, retaining walls, landscaping features, building materials, or other similar improvements.

Submit your application well in advance of the Plan and Architectural Review Commission meeting

The City normally requires that a complete application be submitted four weeks in advance of the Commission meeting when it will be considered. For simple submittals not requiring a public hearing, this may be reduced to two weeks in advance. The further in advance you can submit your application, the better for you and everyone involved in reviewing the project. Additional review time may give the City's planning consultant and staff an opportunity to communicate with you about potential issues with your project or application and allow you time to efficiently address those issues before the Plan and Architectural Review Commission meeting. Be sure to provide reliable contact information on your application form and be available to respond to such questions or requests in a timely manner.

For more complex projects, submit your project for conceptual review

A conceptual review can be accomplished in several ways depending on the nature of your project and your desired outcomes.

1. Preliminary plans may be submitted to City staff and the planning consultant for a quick, informal review. This will allow you to gauge initial reactions to your proposal and help you identify key issues;
2. You may request a sit-down meeting with the Neighborhood Services Director and/or planning consultant to review and more thoroughly discuss your proposal; and/or
3. You can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge its reaction before formally submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.



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Hold a neighborhood meeting for larger and potentially more controversial projects

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for the neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand others' perspectives on your proposals, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the City Neighborhood Services Director of your neighborhood meeting date, time, and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.



Typical City Planning Consultant Development Review Costs

The City often utilizes assistance from a planning consultant to analyze requests for land development approvals against City plans and ordinances and assist the City's Plan and Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the City's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Costs vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest. The City has a guide called "Tips for Minimizing Your Development Review Costs" with information on how the applicant can help control costs.

Type of Development Review Being Requested	Planning Consultant Review Cost Range
Minor Site/Building Plan (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)	
When land use is a permitted use in the zoning district, and for minor downtown building alterations	Up to \$600
When use also requires a conditional use permit, and for major downtown building alterations	\$700 to \$1,500
Major Site/Building Plan (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)	
When land use is a permitted use in the zoning district	\$700 to \$2,000
When land use also requires a conditional use permit	\$1,600 to \$12,000
Conditional Use Permit with no Site Plan Review (e.g., home occupation, sale of liquor request, substitution of use in existing building)	Up to \$600
Rezoning	
To a standard (not PCD) zoning district	\$400 to \$2,000
To Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time	\$2,100 to \$12,000
Land Division	
Certified Survey Map	Up to \$300
Preliminary Subdivision Plat	\$1,500 to \$3,000
Final Plat (does not include any development agreement time)	\$500 to \$1,500
Annexation	\$200 to \$400
Note on Potential Additional Review Costs: The City also retains a separate engineering consultant, who is typically involved in larger projects requiring stormwater management plans, major utility work, or complex parking or road access plans. Engineering costs are not included above, but will also be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.	



Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

Section A: Background Information

----- To be filled out by the Applicant/Property Owner -----

Applicant's Information:

Name of Applicant:

Alejandro R. Meza

Applicant's Mailing Address:

332 Shane Ct #3
San Prairie WI. 53590

Applicant's Phone Number:

(937) 708-6407

Applicant's Email Address:

alejandro.meza@yahoo.com

Project Information:

Name/Description of Development:

Greenhouse Cafe (currently)

Address of Development Site:

1155 W Main St.

Tax Key Number(s) of Site:

1L 00007

Property Owner Information (if different from applicant):

Name of Property Owner:

MBCK, LLC - c/o Gary Fiedler

Property Owner's Mailing Address:

W8382 IR AND W TOWNLINE Rd
WHITEWATER, WI 53190



Cost Recovery Certificate and Agreement

Section B: Applicant/Property Owner Cost Obligations

----- To be filled out by the City's Neighborhood Services Director -----

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

- A. Application Fee.....\$ _____
- B. Expected Planning Consultant Review Cost\$ _____
- C. Total Cost Expected of Applicant (A+B)\$ _____
- D. 25% of Total Cost, Due at Time of Application.....\$ _____
- E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? ☐ Yes ☐ No

The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

Section C: Agreement Execution

----- To be filled out by the Applicant and Property Owner -----

The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.

Alejandro R. Meza
Signature of Applicant/Petitioner

ALEJANDRO R. MEZA
Printed Name of Applicant/Petitioner

Date of Signature

Gregory R. Fisher
Signature of Property Owner (if different)

Gregory R. Fisher
Printed Name of Property Owner (if different)

12-12-11
Date of Signature

ABERNATHY and ASSOCIATES**Kenneth B. Abernathy Jr.**

Wisconsin Registered Land Surveyor S-1594

W4056 BRAY RD.
ELKHORN, WI. 53121PHONE: (262) 723-4260 (OFFICE)
(262) 723-7209 (FAX)

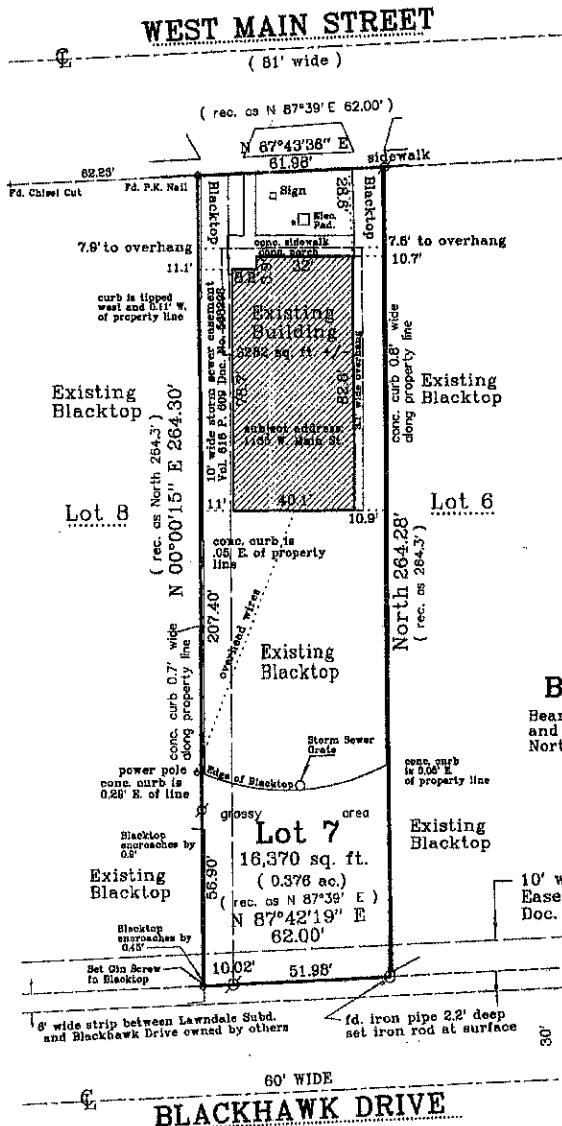
Email: abernathy@elknet.net

PLAT OF SURVEY

Lot 7 of Block 1 of Lawndale Subdivision,
located in the Southwest 1/4 of Section 5,
Town 4 North, Range 15 East, City of
Whitewater, Walworth County, Wisconsin.

Owner: Dorothy Froemming
928 W. Peck St.
Whitewater, WI. 53190

Buyers: Gary R. Fiedler
Victoria M. Fiedler
husband and wife

**Notes:**

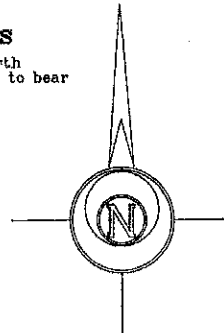
Plat of Lawndale Subd. recorded in
Vol. 6 of Plats Page 124 Register of Deeds
Office, Walworth County, Wisconsin.

Property is Zoned B-1

Roof overhang extends 3.1' beyond
building line as shown

Basis for Bearings

Bearings are based on Platted North
and assume the East line of Lot 7 to bear
North



SCALE: 1" = 40 FEET

LEGEND

- FOUND IRON PIPE
- FOUND IRON ROD
- ⊗ FOUND BRASS CAPPED MONUMENT
- FOUND CONCRETE MONUMENT
- + CHISEL CUT IN CONCRETE
- SET IRON ROD, 24" LONG, WEIGHING
1.5 LBS./LINEAL FT., 3/4" DIA.
- SET IRON ROD, 30" LONG, WEIGHING
4.5 LBS./LINEAL FT., 1-11/16" DIA.

(x x x) RECORDED AS DIMENSION

- - - - - EXISTING FENCE



"I hereby certify that the above described
property has been surveyed by me or under my
direction and that the above map is a true
representation thereof and shows the size and
location of the property, its exterior
boundaries, the location of all visible
structures and dimensions of all principal
buildings thereon, boundary fences, apparent
easements, roadways and visible encroachments,
if any."
"This survey is made for the use of the present
owners of the property, and also those who
purchase, mortgage, or guarantee the title
thereto within one year from the date hereof."

Kenneth B. Abernathy, Jr.
KENNETH B. ABERNATHY, JR. S-1594
WISCONSIN REGISTERED LAND SURVEYOR

DATED Sept. 3, 2002 Job No. 02.810

Flour 5 quet Postage :

3,600 SF.

MENU:

Chicken wings

Sandwiches

Pizza

Onions Rings

Fried shrimp

Salads

HOURS :

Mon	Tue	Wed	Thu	Fri	Sat	Sun
12:20	12:20	12:20	12:20	12:20	12:20	12:20
2:00	2:00	2:00	2:00	2:30		2:00

Seating Capacity :

125 people

Currently operate

3 Restaurants: "EL PATRON"
Mexicans Restaurants

1. Edgerton - 6 months

2. Sun Prairie - 1+ year

3. Fort Atkinson, 2 years and five mo

I have been in the restaurant
industry for over 9 years.

The plans are too large to scan.

See Plan at the City of Whitewater Neighborhood Services Department.